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|-------------------------------|-----------------|---------------|--|
| <b>Notice of Allowability</b> | Application No. | Applicant(s)  |  |
|                               | 10/576,521      | LAMBERT, HANS |  |
|                               | Examiner        | Art Unit      |  |
|                               | COLIN STUART    | 3771          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to interview on 5/17/10.
2.  The allowed claim(s) is/are 1.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 5/14/10.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

/COLIN STUART/  
Examiner, Art Unit 3771

/Justine R Yu/  
Supervisory Patent Examiner, Art Unit 3771



### **DETAILED ACTION**

1. This action is in response to the interview on 5/17/10. As discussed in the interview summary form and for reasons discussed below, the application is in condition for allowance of claim 1.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel Gibson on 5/17/10.

#### **The application has been amended as follows:**

1. (Currently Amended) Device for recovering anaesthetics in anaesthetic treatment of a patient, which device comprises;  
a housing having a first opening and a second opening for formation of a flow path to and from the patient in the housing for a breathing medium,  
an absorption body arranged in the housing and having a capacity of absorbing and desorbing anaesthetics,  
a valve means comprising a rotatable unit that is adjustable between an active position, in which a flow path to and from the patient passes through the absorption body, and a passive position, in which a flow path to and from the patient passes

through the housing without passing through the absorption body, wherein the absorption body retains unchanged location in the housing in both valve positions,

wherein one of said openings is arranged at the rotatable unit, said opening being in a first rotational position on a side of the absorption body and in a second rotational position on an opposite side of the absorption body,

wherein the housing is in the form of a box having a height that is smaller than a smallest extension thereof transverse to the height,

wherein the absorption body is plate-shaped and is in the active position thereof substantially perpendicular to the height, and

wherein the housing is configured such that, in both the active and passive positions, air flows from each opening in a flow direction that is substantially parallel to a plane defined by a plate-shaped surface of the absorption body.

## **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance: when read in light of the limitations of the claimed anaesthetic recovering device, the prior art of record by itself or in combination does not disclose the specific structure as recited in claim 1 such that a housing with two openings and including a valve means in the form of a rotatable unit form that is adjustable between an active and passive position in which a flow path passes to and from the patient either through (active) or bypasses (passive) an absorption body having a capacity of absorbing and desorbing anaesthetics wherein the housing is configured such that the direction of the flow paths

in both the active and passive positions is substantially parallel to a plane defined by the plate-shaped surface of the absorption body.

The closest prior art references are: Marler et al. (7,347,203), Ahlmen et al. (7,077,136), and Werner et al. (5,044,361) which all relate to anaesthetic (Ahlmen and Werner) or heat and moisture (Marler) absorption bodies.

The prior art of record does not disclose the structural or functional limitations of the claimed device such that a housing with rotatable valve means with an active and passive position in which a flow path passes to and from the patient either through (active) or bypasses (passive) an absorption body having a capacity of absorbing and desorbing anaesthetics wherein the housing is configured such that the direction of the flow paths in both the active and passive positions is substantially parallel to a plane defined by the plate-shaped surface of the absorption body. The prior art of record teaches absorption bodies housed in a housing with valve means but does not disclose specifically the limitation of the flow paths, in both an active and passive positions, having a direction of flow that is substantially parallel to a plane defined by the plate-shaped surface of the absorption body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLIN STUART whose telephone number is (571)270-7490. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/COLIN STUART/  
Examiner, Art Unit 3771

/Justine R Yu/  
Supervisory Patent Examiner, Art Unit 3771